

### REMARKS

After entry of this amendment, claims 49-60 will be pending for the Examiner's review and consideration. Claims 1-48 have been canceled without prejudice. Claims 49-60 have been added. No new matter has been added. Reconsideration and allowance of the present application in view of the above amendments and the following remarks is respectfully requested.

This amendment responds to the Office Action mailed September 27, 2004. In the office action the Examiner:

- rejected claims 15-24 and 26-29 under 35 U.S.C. §102(b) as being anticipated by European Patent No. 0 671 589 to Hattori ("Hattori"); and
- rejected claims 1-14, 25, and 30-48 under 35 U.S.C. §103(a) as being unpatentable over Hattori in view of Japanese Patent No. 02-290270 ("JP 02-290270").

Claims 1-48 have been canceled in favor of claims 49-60. Thus, it is respectfully submitted that these rejections are moot. Therefore, withdrawal of these rejections is respectfully submitted.

#### Independent claim 49

Independent claim 49 substantially corresponds with canceled independent claim 1. Therefore, in order to expedite the prosecution of the present invention, the following remarks are provided. Independent claim 49 requires, *inter alia*, a gas lighter including a fuel reservoir made of an amorphous polymer material. As stated in the specification of the present invention, fuel reservoirs made of amorphous polymer material are generally brittle and thus require special consideration for sealing the gas dispensing device to the fuel reservoir. Therefore, the limitation requiring the fuel reservoir to be made from an amorphous polymer material is an important distinction and should not be easily discarded.

Hattori, as admitted by the Examiner, does not teach, disclose, or suggest a fuel reservoir made of an amorphous polymer material. Thus, Hattori cannot anticipate independent claim 49. Furthermore, it is respectfully submitted that it would not be obvious for one of ordinary skill in the art to combine the teachings of Hattori with JP 02-290270, as suggested by the Examiner. JP 02-290270 discloses a container made from an amorphous polymer material. However, the container is not adapted for containing a fuel to be used in a lighter. Thus, as an initial matter, it is respectfully submitted that JP 02-290270 is non-

analogous art since one skilled in the art of gas lighters would not look to a container to seal a fuel reservoir. Therefore, JP 02-290270 cannot be used as prior art under 35 U.S.C. § 103.

However, assuming *arguendo*, that one skilled in the art would look to and combine JP 02-290270 with Hattori, it is respectfully submitted that one still would not arrive at the invention as set forth in claim 49. Specifically, independent claim 49 further requires, *inter alia*, that the fuel reservoir have a top wall through which a well passes, the well being provided with a gas dispensing device which includes a tubular element, wherein the tubular element of the dispensing device is engaged in the well in a leak tight manner. Hattori does not disclose, teach, or suggest engaging the tubular element of the gas dispensing device with the well formed in the fuel reservoir in a leak tight manner. Rather, Hattori discloses engaging the tubular element of the gas dispensing device into the well with an O-ring. As recognized by one of ordinary skill in the art, the O-ring is used to prevent gas leaking and is required because the tubular element is not engaged in the well in a leak tight manner.

Moreover, independent claim 49 requires, *inter alia*, that the fuel reservoir have a top wall, wherein the top wall of the reservoir is provided with an annular groove extending around the well, and wherein the top wall is reinforced by a ring engaged in the annular groove, the top wall forming an annular wall between the groove and the well, the annular wall being clamped between the ring and the tubular element. Hattori does not disclose, teach, or suggest an annular wall which is clamped between a ring and the tubular element. Rather, Hattori discloses that the cap 8 holds the O-ring 7 in position between the tank 1 and the nozzle cylinder 5.

Furthermore, it is respectfully submitted that JP 02-290270 does not rectify the shortcomings of Hattori since JP 02-290270 discloses a container wherein the tubular element is welded to the body. Thus, it is respectfully submitted that JP 02-290270 supports the proposition that it was not obvious for one of ordinary skill in the art to engage the tubular element in the well of an amorphous polymer body in a leak tight manner without any further operation, such as welding.

Therefore, it is respectfully submitted that the cited prior art does not teach, disclose, or suggest all of the limitations of independent claim 49. Thus, allowance of independent claim 49 is respectfully requested.

Claims 50-60 all ultimately depend from independent claim 49, and thus, it is respectfully submitted that these claims are equally allowable for at least these reasons. Allowance of claims 50-60 is therefore respectfully requested.

In light of the above amendments and remarks, it is respectfully submitted that claims 49-60 are now in condition for allowance, and the Examiner is respectfully requested to reconsider this application with a view towards allowance. The Examiner is invited to call the undersigned attorney at 212-326-7883, if a telephone call could help resolve any remaining issues.

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Respectfully submitted,

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